

1 STEVEN H. HANEY, SBN 121980  
2 HANEY, BUCHANAN & PATTERSON L.L.P.  
3 707 Wilshire Boulevard  
4 Fifty-Third Floor  
5 Los Angeles, California 90017  
6 Telephone: 213-228-6500  
7 Facsimile: 213-228-6501  
8 E-mail: shaney@hbplaw.com

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10 Attorneys for Defendants  
11 MIDO TRADING, INC. and GLEN  
12 SUH

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

1 LOUIS VUITTON MALLETIER, S.A., ) Case No. CV08-04405 DDP (AGRx)  
2 Plaintiff, )  
3 v. ) (1) **DEFENDANTS' NOTICE OF  
4 MOTION AND MOTION TO  
5 COMPEL FURTHER  
6 RESPONSES FROM  
7 PLAINTIFF TO  
8 DEFENDANTS'  
9 INTERROGATORIES, SET  
10 ONE, AND REQUEST FOR  
11 PRODUCTION OF  
12 DOCUMENTS, SET ONE  
13 (FRCP 37), AND FOR  
14 SANCTIONS IN THE  
15 AMOUNT OF \$ 1,700.00;**  
16  
17 Defendants. ) (2) **MEMORANDUM OF POINTS  
18 AND AUTHORITIES IN  
19 SUPPORT THEREOF;**  
20  
21 ) (3) **DECLARATION OF NON-  
22 COMPLIANCE OF J.  
23 ADRIAN ZAMORA IN  
24 SUPPORT THEREOF; AND**  
25  
26 ) (4) **[PROPOSED] ORDER**  
27 **(Separately lodged concurrently  
28 herewith)**

\_\_\_\_\_  
Date: April 27, 2010  
Time: 10:00 a.m.  
Place: Hon. Alicia G. Rosenberg  
312 N. Spring Street  
Courtroom D, 8<sup>th</sup> Floor  
Los Angeles, CA 90012

1 TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 27, 2010 at 10:00 a.m., or as soon  
3 thereafter as counsel may be heard by the above-entitled Court, located at 312 North  
4 Spring Street, Courtroom 3, Second Floor, Los Angeles, California 90012,  
5 Defendants Mido Trading, Inc. and Glen Suh (hereinafter "Defendants") will and  
6 hereby do move the Court pursuant to Rule 37 of the Federal Rules of Civil  
7 Procedure to compel Plaintiffs to provide further responses to Defendants  
8 Interrogatories and Request for Production of Documents, Set One, including a full  
9 and complete privilege log, and that Plaintiff and/or its counsel pay sanctions in the  
10 amount of \$ 1,700.00 for the expenditure of costs and attorney's fees in the  
11 preparation and presentation of this motion.

12 Defendants' Motion to Compel is based upon the following:

13 1) Plaintiff failed to provide full and complete responses to Defendants  
14 Interrogatories, and Request for Production of Documents, including an adequate  
15 privilege log; and

16 2) Plaintiff's counsel refused to participate in a Local Rule 37-1 pre-filing  
17 conference to address the issues contained in this Motion.

18 This Motion is based on this Notice of Motion and Motion, the Memorandum  
19 of Points and Authorities filed herewith, the Declaration of Non-Compliance of J.  
20 Adrian Zamora, and upon such other matters as may be presented to the Court at the  
21 time of the hearing.

22  
23 Dated: March 26, 2010

HANEY, BUCHANAN & PATTERSON, LLP

24  
25 By: /s/ Steven H. Haney

26 STEVEN H. HANEY  
27 Attorneys for Defendants MIDO  
28 TRADING, INC. and GLEN SUH

# **MEMORANDUM OF POINTS AND AUTHORITIES**

## I. INTRODUCTION.

By this Motion, Defendants seek an Order compelling responses to Defendants' properly served Interrogatories and Request for Production of Documents. Plaintiff's has failed to provide adequate responses to Defendants' discovery requests and Plaintiff's counsel has refused to engage in a Local Rule 37-1 pre-filing conference to avoid the filing of the instant motion. As a result, Defendants' counsel was unable to file a joint stipulation per this Court's local rules and was forced to file this noticed motion without participation or input from Plaintiff's counsel.

As set forth below, Plaintiff's responses to discovery are wholly inadequate and supplementation is required under the circumstances.

## **II. FACTUAL STATEMENT**

On December 10, 2009 Defendants Mido Trading, Inc. and Glen Suh served Interrogatories, Set One, and a Request for Production of Documents, Set One on Plaintiff Louis Vuitton Malletier. (Zamora Declaration, ¶2) On January 11, 2010, Plaintiff served unmeritorious objections and responses to the above-mentioned discovery. (Zamora Decl., ¶3).

Based on the inadequacies of the discovery responses, on February 10, 2010, Defendants' counsel sent Plaintiff's counsel a meet and confer letter outlining its position that Defendants' spurious responses, lacked merit and the objections were made in bad-faith. (Zamora Decl., ¶4) In addition, the letter invited Plaintiff's counsel to engage in a pre-filing conference within 10 days of the date of the letter. (Zamora Decl., ¶4) Later, Defendants' counsel left a voicemail message with Plaintiff's counsel requesting another pre-filing conference. (Zamora Decl., ¶5) On March 1, 2010, Plaintiff's counsel responded with correspondence informing Plaintiff's counsel that he would make himself available on March 3-5, 2010 for the conference. (Zamora Decl., ¶5).

1       Later, on or about March 2, 2010 Defendants' counsel sent Plaintiff's counsel  
 2 another letter inviting them to engage in a pre-filing conference. (Zamora Decl., ¶6).  
 3 On Thursday, March 4, counsel for the parties agreed to conduct the pre-filing  
 4 conference on Monday, March 8 at 10:00AM. (Zamora Decl., ¶ ) However, on late-  
 5 Friday afternoon, Defendants' counsel was informed via email by Plaintiff's counsel  
 6 that he was unable to attend the pre-filing conference due to a last minute hearing he  
 7 had to attend on Monday morning. (Zamora Decl., ¶7) Counsel for the parties  
 8 thereafter agreed to conduct the conference on Wednesday March 10, at 3:00PM.  
 9 (Zamora Decl., ¶8) Then on the day of the conference at approximately 2:31PM,  
 10 Plaintiff's counsel sent Defendants' counsel an email notifying him that he now he  
 11 was not "authorized" to conduct the conference, and unilaterally cancelled it without  
 12 volunteering another date. (Zamora Decl., ¶8).

13      On that same day, Defendants' counsel responded by requesting the identity of  
 14 anyone from Plaintiff's firm with authority to conduct the counsel, but never  
 15 received a response. (Zamora Decl., ¶9) On Monday, March 15, 2010, Defendants'  
 16 counsel faxed Plaintiff's counsel another correspondence informing them that  
 17 Defendants intended to file a motion to compel without their input and would  
 18 thereafter inform the court of their failure to cooperate in the discovery process  
 19 pursuant to this court's Local Rules. (Zamora Decl., ¶10). Once again, Plaintiff's  
 20 counsel never responded, thereby necessitating this motion. (Zamora Decl., ¶10)  
 21 After reviewing the docket and the files in this matter, it is apparent Plaintiff's  
 22 counsel was never relieved of this obligation by a written Court order upon good  
 23 cause shown. (Zamora Decl., ¶11)

24

### 25      **III. ARGUMENT**

26      A. Plaintiff's Counsel Refused to Meet and Confer Per Local Rule 37-1  
 27      "Prior to the filing of any motion relating to discovery pursuant to F.R.Civ.P.  
 28      26-37, counsel for the parties shall confer in a good faith effort to eliminate the  
       necessity for hearing the motion or to eliminate as many of the disputes as  
       possible."

1       “Unless relieved by written order of the Court upon good cause shown,  
 2       counsel for the opposing party shall confer with counsel for the moving party  
 3       within ten (10) days after the moving party serves a letter requesting such  
 4       conference.” L.R. 37-1

5                  As set forth above, Defendants’ counsel requested a pre-filing conference prior  
 6       to filing the instant motion. Despite this, Plaintiff’s counsel refused to participate in  
 7       the conference citing his lack of authority. After reviewing the docket and the files  
 8       in this matter, it is apparent Plaintiff’s counsel was never relieved of this obligation  
 9       by a written Court order upon good cause shown. (Zamora Decl., ¶11)

10                 In fact, other than stating his lack of authority to participate in the conference,  
 11       Plaintiff’s counsel has produced no cause whatsoever prohibiting him from  
 12       participating in the conference. As shown above, Plaintiff’s counsel’s initial  
 13       agreement to conduct the conference, only to then later rescind his agreement to  
 14       conduct the conference. Plaintiff’s counsel’s conduct only illustrates his bad-faith  
 15       and gamesmanship by failing to participate in the statutory process.

16                 B. Plaintiff’s Responses to Defendant Mido Trading’s Interrogatories. Set  
 17                 One Are In Bad Faith and Require Supplementation

18                 Defendants’ counsel served 12 basic interrogatories. Plaintiff’s bad-faith  
 19       responses and the reasons for further responses are set-forth below.

20                 **INTERROGATORY NO. 1:**

21                 Identify all facts explaining how Plaintiff came into possession of the alleged  
 22       “Offending Goods” which are referenced in paragraph 22 of Plaintiff’s Complaint.

23                 **RESPONSE TO INTERROGATORY NO. 1**

24                 Plaintiff refers and incorporates herein all of the General Objections set forth  
 25       above.

26                 Plaintiff also objects to the phrase “all facts explaining” as vague, ambiguous,  
 27       and undefined, and renders the Request similarly vague and ambiguous. Plaintiff  
 28       further objects to this Request to the extent that it seeks information that is neither  
 29       relevant to the subject matter of, nor reasonably calculated to lead to the discovery of  
 30       admissible evidence relevant to Plaintiff’s claim for damages, which is the only  
 31       remaining issue to be decided in this action. Plaintiff further objects to this Request  
 32       to the extent that it seeks information that is covered by the attorney-client privilege,  
 33       the work product immunity doctrine, and/or otherwise protected from discovery.  
 34       Plaintiff objects to the extent that it violates the United States and California  
 35       constitutional, statutory, and common law rights of privacy in financial and  
 36       confidential information of Plaintiff and third parties.

1           Subject to and without waiving any of the foregoing general and specific  
 2 objections, Plaintiff directs Defendant to the declaration of Michael Pantalony in  
 3 Support of Plaintiff's Motion for Default Judgment (hereinafter, "Pantalony  
 Declaration"), which is in Defendant's possession and which has been filed in this  
 action.

4 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

5           According to Plaintiff's interrogatory response, it states "responsive  
 6 information is located in the Pantalony Declaration." This answer is problematic in  
 7 that each interrogatory must be answered fully, and must not simply refer to another  
 document. Additionally, Plaintiff's response does not state that "all" responsive  
 8 information is contained in the Pantalony Declaration. To the extent there is any  
 9 information outside of the four corners of that document that is responsive to the  
 10 interrogatory, that information must be provided. In addition, if all the information  
 11 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's  
 response needs to be supplement to state "all" responsive information is located in  
 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information  
 or documentation at time of trial based on the fact that failed to provide all  
 information that was responsive to the interrogatory.

12 **INTERROGATORY NO. 3:**

13           Identify all documents evidencing, relating to, or reflecting how Plaintiff came  
 14 into possession of the alleged "Offending Goods" which are referenced in paragraph  
 22 of Plaintiff's Complaint.

15 **RESPONSE TO INTERROGATORY NO. 3**

16           Plaintiff refers and incorporates herein all of the General Objections set forth  
 above.

17           Plaintiff also objects to the phrase "evidencing, relating to, or reflecting" as  
 18 vague, ambiguous, and undefined, and renders the Request similarly vague and  
 19 ambiguous. Plaintiff further objects to this Request to the extent that it seeks  
 20 information that is neither relevant to the subject matter of, nor reasonably calculated  
 21 to lead to the discovery of admissible evidence relevant to Plaintiff's claim for  
 22 damages, which is the only remaining issue to be decided in this action. Plaintiff  
 23 further objects to this Request to the extent that it seeks information that is covered  
 by the attorney-client privilege, the work product immunity doctrine, and/or  
 otherwise protected from discovery. Plaintiff objects to the extent that it violates the  
 United States and California constitutional, statutory, and common law rights of  
 24 privacy in financial and confidential information of Plaintiff and third parties.

25           Subject to and without waiving any of the foregoing general and specific  
 26 objections, Plaintiff responds as follows: Responsive information is located in the  
 Pantalony declaration and identified in Plaintiff's privilege log.

27 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

28           To the extent any documents are being withheld based on an objection or claim  
 of privilege, Plaintiff must identify them with sufficient specificity so that counsel  
 may evaluate the objection and/or claim of privilege.

1           Second, Plaintiff's objection on the grounds of trade secret, proprietary or  
 2 other confidential information does not allow counsel the opportunity to evaluate the  
 3 claim. To the extent new documents are being withheld on this basis, they must also  
 4 be identified with specificity in the privilege log.

5           According to Plaintiff's interrogatory response, it also states "responsive  
 6 information is located in the Pantalony Declaration." This answer is problematic in  
 7 that each interrogatory must be answered fully, and must not simply refer to another  
 8 document. Additionally, Plaintiff's response does not state that "all" responsive  
 9 information is contained in the Pantalony Declaration. To the extent there is any  
 10 information outside of the four corners of that document that is responsive to the  
 11 interrogatory, that information must be provided. In addition, if all the information  
 12 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's  
 13 response needs to be supplement to state "all" responsive information is located in  
 14 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information  
 15 or documentation at time of trial based on the fact that failed to provide all  
 16 information that was responsive to the interrogatory.

17 **INTERROGATORY NO. 4:**

18           Identify the total number of alleged "Offending Goods" purchased by  
 19 Plaintiff's as referenced in Paragraph 22 of Plaintiff's Complaint.

20 **RESPONSE TO INTERROGATORY NO. 4**

21           Plaintiff refers and incorporates herein all of the General Objections set forth  
 22 above.

23           Plaintiff also objects to the request as vague, ambiguous, and undefined.  
 24 Plaintiff further objects to this Request to the extent that it seeks information that is  
 25 neither relevant to the subject matter of, nor reasonably calculated to lead to the  
 26 discovery of admissible evidence relevant to Plaintiff's claim for damages, which is  
 27 the only remaining issue to be decided in this action. Plaintiff further objects to this  
 28 Request to the extent that it seeks information that is covered by the attorney-client  
 29 privilege, the work product immunity doctrine, and/or otherwise protected from  
 30 discovery. Plaintiff objects to the extent that it violates the United States and  
 31 California constitutional, statutory, and common law rights of privacy in financial  
 32 and confidential information of Plaintiff and third parties.

33           Subject to and without waiving any of the foregoing general and specific  
 34 objections, Plaintiff responds as follows: Responsive information is located in the  
 35 Pantalony declaration.

36 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

37           To the extent any documents are being withheld based on an objection or claim  
 38 of privilege, Plaintiff must identify them with sufficient specificity so that counsel  
 39 may evaluate the objection and/or claim of privilege.

40           Second, Plaintiff's objection on the grounds of trade secret, proprietary or  
 41 other confidential information does not allow counsel the opportunity to evaluate the  
 42 claim. To the extent new documents are being withheld on this basis, they must also  
 43 be identified with specificity in the privilege log.

According to Plaintiff's interrogatory response, it also states "responsive information is located in the Pantalony Declaration." This answer is problematic in that each interrogatory must be answered fully, and must not simply refer to another document. Additionally, Plaintiff's response does not state that "all" responsive information is contained in the Pantalony Declaration. To the extent there is any information outside of the four corners of that document that is responsive to the interrogatory, that information must be provided. In addition, if all the information that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's response needs to be supplement to state "all" responsive information is located in the Pantalony Declaration. Otherwise, Plaintiff could provide additional information or documentation at time of trial based on the fact that failed to provide all information that was responsive to the interrogatory.

### **INTERROGATORY NO. 5:**

Identify the total number of alleged "Offending Goods" currently in Plaintiffs' custody, control, or possession as referenced in Paragraph 22 of Plaintiff's Complaint.

### **RESPONSE TO INTERROGATORY NO. 5**

Plaintiff refers and incorporates herein all of the General Objections set forth above.

Plaintiff also objects to the request as vague, ambiguous, and undefined. Plaintiff further objects to this Request to the extent that it seeks information that is neither relevant to the subject matter of, nor reasonably calculated to lead to the discovery of admissible evidence relevant to Plaintiff's claim for damages, which is the only remaining issue to be decided in this action. Plaintiff further objects to this Request to the extent that it seeks information that is covered by the attorney-client privilege, the work product immunity doctrine, and/or otherwise protected from discovery. Plaintiff objects to the extent that it violates the United States and California constitutional, statutory, and common law rights of privacy in financial and confidential information of Plaintiff and third parties.

Subject to and without waiving any of the foregoing general and specific objections, Plaintiff responds as follows: Responsive information is located in the Pantalony declaration.

### **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND REQUIRES SUPPLEMENTATION**

To the extent any documents are being withheld based on an objection or claim of privilege, Plaintiff must identify them with sufficient specificity so that counsel may evaluate the objection and/or claim of privilege.

Second, Plaintiff's objection on the grounds of trade secret, proprietary or other confidential information does not allow counsel the opportunity to evaluate the claim. To the extent new documents are being withheld on this basis, they must also be identified with specificity in the privilege log.

According to Plaintiff's interrogatory response, it also states "responsive information is located in the Pantalony Declaration." This answer is problematic in that each interrogatory must be answered fully, and must not simply refer to another document. Additionally, Plaintiff's response does not state that "all" responsive

1 information is contained in the Pantalony Declaration. To the extent there is any  
 2 information outside of the four corners of that document that is responsive to the  
 3 interrogatory, that information must be provided. In addition, if all the information  
 4 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's  
 5 response needs to be supplement to state "all" responsive information is located in  
 6 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information  
 7 or documentation at time of trial based on the fact that failed to provide all  
 8 information that was responsive to the interrogatory.

**INTERROGATORY NO. 7:**

Identify the total dollar amount, per unit Plaintiff paid in purchasing the  
 alleged "Offending Goods" which are referenced paragraph 22 of Plaintiff's  
 Complaint.

**RESPONSE TO INTERROGATORY NO. 7**

Plaintiff refers and incorporates herein all of the General Objections set forth  
 above.

Plaintiff also objects to the request as vague, ambiguous, and undefined.  
 Subject to and without waiving any of the foregoing general and specific objections,  
 Plaintiff responds as follows: Responsive information is located in the Pantalony  
 declaration.

**REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND  
 REQUIRES SUPPLEMENTATION**

According to Plaintiff's interrogatory response, it states "responsive  
 information is located in the Pantalony Declaration." This answer is problematic in  
 that each interrogatory must be answered fully, and must not simply refer to another  
 document. Additionally, Plaintiff's response does not state that "all" responsive  
 information is contained in the Pantalony Declaration. To the extent there is any  
 information outside of the four corners of that document that is responsive to the  
 interrogatory, that information must be provided. In addition, if all the information  
 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's  
 response needs to be supplement to state "all" responsive information is located in  
 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information  
 or documentation at time of trial based on the fact that failed to provide all  
 information that was responsive to the interrogatory.

**INTERROGATORY NO. 8:**

Identify the fair market value in dollars, per unit, of authentic Louis Vuitton  
 handbags carrying Louis Vuitton Trademarks and Copyrighted Work, that were  
 allegedly infringed upon by Defendants' "Offending Goods" which are referenced in  
 paragraph 22 of Plaintiff's Complaint.

**RESPONSE TO INTERROGATORY NO. 8**

Plaintiff refers and incorporates herein all of the General Objections set forth  
 above.

Plaintiff also objects to the phrase "fair market value" as vague, ambiguous,

1 and undefined and renders the Request similarly vague and ambiguous.

2 Subject to and without waiving any of the foregoing general and specific  
 3 objections, Plaintiff responds as follows: Responsive information is located in the  
 Pantalony declaration.

4 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

5 According to Plaintiff's interrogatory response, it states "responsive  
 6 information is located in the Pantalony Declaration." This answer is problematic in  
 7 that each interrogatory must be answered fully, and must not simply refer to another  
 document. Additionally, Plaintiff's response does not state that "all" responsive  
 8 information is contained in the Pantalony Declaration. To the extent there is any  
 information outside of the four corners of that document that is responsive to the  
 9 interrogatory, that information must be provided. In addition, if all the information  
 10 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's  
 response needs to be supplement to state "all" responsive information is located in  
 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information  
 11 or documentation at time of trial based on the fact that failed to provide all  
 information that was responsive to the interrogatory.

12 **INTERROGATORY NO. 9:**

13 Identify all documents evidencing, relating to, or reflecting the dollar  
 amount(s) Plaintiff paid, per unit, in purchasing the alleged "Offending Goods"  
 14 which are referenced in paragraph 22 of Plaintiff's Complaint.

15 **RESPONSE TO INTERROGATORY NO. 9**

16 Plaintiff refers and incorporates herein all of the General Objections set forth  
 above.

17 Plaintiff further objects to the request as vague, ambiguous, and undefined.  
 Subject to and without waiving any of the foregoing general and specific objections,  
 Plaintiff responds as follows: Responsive information is located in the Pantalony  
 declaration.

18 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

19 According to Plaintiff's interrogatory response, it states "responsive  
 20 information is located in the Pantalony Declaration." This answer is problematic in  
 21 that each interrogatory must be answered fully, and must not simply refer to another  
 document. Additionally, Plaintiff's response does not state that "all" responsive  
 22 information is contained in the Pantalony Declaration. To the extent there is any  
 information outside of the four corners of that document that is responsive to the  
 23 interrogatory, that information must be provided. In addition, if all the information  
 24 that is responsive to the interrogatory is in the Pantalony Declaration, Plaintiff's  
 response needs to be supplement to state "all" responsive information is located in  
 the Pantalony Declaration. Otherwise, Plaintiff could provide additional information  
 25 or documentation at time of trial based on the fact that failed to provide all  
 information that was responsive to the interrogatory.

26 **INTERROGATORY NO. 10:**

1 Identify all person(s) including name(s), address(es) and current telephone  
 2 number(s), who have maintained possession of the alleged "Offending Goods" as  
 3 referenced in paragraph 22 of Plaintiff's Complaint, since their purchase.

4 **RESPONSE TO INTERROGATORY NO. 10**

5 Plaintiff refers and incorporates herein all of the General Objections set forth  
 above.

6 Plaintiff also objects to the Request as vague, ambiguous, and undefined.  
 7 Plaintiff further objects to this Request to the extent that it seeks information that is  
 8 neither relevant to the subject matter of, nor reasonably calculated to lead to the  
 9 discovery of admissible evidence relevant to Plaintiff's claim for damages, which is  
 10 the only remaining issue to be decided in this action. Plaintiff further objects to this  
 11 Request to the extent that it seeks information that is covered by the attorney-client  
 12 privilege, the work product immunity doctrine, and/or otherwise protected from  
 13 discovery. Plaintiff objects to the extent that it violates the United States and  
 14 California constitutional, statutory, and common law rights of privacy in financial  
 15 and confidential information of Plaintiff and third parties.

16 Subject to and without waiving any of the foregoing general and specific  
 17 objections, Plaintiff responds as follows: Plaintiff's agents and its investigators.

18 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

19 Plaintiff's response to this Interrogatory is inadequate because the question  
 20 calls for identity of the persons, including name, address and telephone numbers, of  
 21 persons who maintained possession of the "counterfeiting goods". Plaintiff merely  
 22 states, "Plaintiff's agents and its investigators." Defendants' counsel has no idea who  
 23 these individuals are, or where they are located, or their phone numbers. As a result,  
 24 this response must be supplemented.

25 **INTERROGATORY NO. 11:**

26 State and explain, with particularity, all facts, proof, or evidence which, in  
 27 whole or in part, support Plaintiff's Prayer for Relief, including but not limited to,  
 28 the identification of specific amounts of damages as alleged in Plaintiff's Complaint.

29 **RESPONSE TO INTERROGATORY NO. 11**

30 Plaintiff refers and incorporates herein all of the General Objections set forth  
 above.

31 Plaintiff also objects to the Request as overbroad, oppressive, and unduly  
 32 burdensome. Plaintiff objects to this Request as calling for legal conclusions.  
 33 Plaintiff further objects to the Request as vague, ambiguous, and undefined. Plaintiff  
 34 also objects to this Request to the extent that it seeks information that is neither  
 35 relevant to the subject matter of, nor reasonably calculated to lead to the discovery of  
 36 admissible evidence relevant to Plaintiff's claim for damages, which is the only  
 37 remaining issue to be decided in this action. Plaintiff further objects to this Request  
 38 to the extent that it seeks information that is covered by the attorney-client privilege,  
 39 the work product immunity doctrine, and/or otherwise protected from discovery.  
 40 Plaintiff objects to the extent that it violates the United States and California  
 41 constitutional, statutory, and common law rights of privacy in financial and  
 42 confidential information of Plaintiff and third parties.

1           Subject to and without waiving any of the foregoing general and specific  
 2 objections, Plaintiff responds as follows: Responsive information is located in the  
 3 complaint, motion for default judgment against defendants and opposition to  
 Defendant's motion to set aside default judgment, as well as the paper, pleadings and  
 other documents filed in this action.

4 **REASON WHY PLAINTIFF'S RESPONSE IS INCOMPLETE AND**  
**REQUIRES SUPPLEMENTATION**

5           Plaintiff's response to this Interrogatory inappropriately and vaguely refers to  
 6 various pleadings in the action, and also fails to state that all responsive information  
 7 is located in those pleadings. Plaintiff also states at the end of the response that the  
 8 information is contained in the "paper, pleadings, and other documents filed in this  
 action" but fails to mention which ones. This response is too general and does not  
 directly respond to the interrogatory with sufficient specificity. As such it must be  
 supplemented.

10          C.    Plaintiff's Responses to Defendant Mido Trading's Request for  
Production of Documents, Set One Are In Bad Faith and Require  
Supplementation

12          Plaintiff's responses to Mido Trading's Request for Production are grossly  
 13 lacking and suffer from the same defects as the above-referenced interrogatory  
 14 responses. Defendants' Request for Production contained a representation as to each  
 15 of the 14 requests that, subject to a protective order, it would "produce or make  
 16 available for production relevant non-privileged documents, if any, within its  
 17 possession, custody, or control that are responsive to this Request."

18          In his February 20, 2010 meet and confer letter, Defendants' counsel requested  
 19 that Plaintiff's counsel forward an appropriate protective order for its consideration.  
 20 Plaintiff's counsel never complied and then later refused altogether to participate in a  
 21 pre-filing conference or to meet and confer on this issue. As such, Plaintiff's counsel  
 22 has conducted himself in bad-faith and his tactics cannot be condoned by this Court  
 23 by now hiding behind the alleged necessity of a protective order, failing to provide  
 24 one, and then refusing to even meet and confer on this issue.

25          It is obvious Plaintiff's counsel's tactics were utilized to inhibit Defendants'  
 26 ability to receive information to evaluate Plaintiff's claims and properly prepare for  
 27 trial. As such, all documents Defendants' counsel requested must be produced  
 28 forthwith.

**D. Plaintiff's Privilege Log Lacks Specificity**

Plaintiff did provide a “privilege log.” However, it is inadequate to fairly evaluate Plaintiff’s claim of privilege. What is required to make an intelligent analysis of the validity of the privilege claim is the name of the author of the document, the name of the recipient of the document, and the general subject matter of the document (without revealing the specific contents of the document). Only then will Defendants’ counsel be able to evaluate the propriety of the claim of privilege. As such, an adequate log reflecting the above requirements must be produced.

**E. Sanctions are Allowable Under L.R. 37-4 For Plaintiff's Counsel's Failure to Cooperate in the Discovery Process**

“The failure of any counsel to comply with or cooperate in the foregoing procedures may result in the imposition of sanctions.” L.R. 37-4. Based upon the above, Plaintiff was not negligent in failing to participate in the discovery process but affirmatively represented that it was not going to do so. Such contemptuous conduct cannot be condoned by this Court, and as such, sanctions in the amount of \$1,700.00 for attorney fees and expenses incurred in bringing this motion are warranted.

#### IV. CONCLUSION

Based upon the foregoing Defendants respectfully request that this Court grant their motion to compel further responses to the above discovery along with a proper privilege log, and for sanctions in the amount of \$1,700.00

Dated: March 26, 2010

HANEY, BUCHANAN & PATTERSON, L.P.

By: /s/ Steven H. Haney

# STEVEN H. HANEY

Attorneys for Defendants MIDO  
TRADING, INC. and GLEN SUH